

1 JONATHAN J. BART, ESQ.
 2 Admitted *Pro Hac Vice*
 3 PA Identification No.: 49119
 4 WILENTZ, GOLDMAN & SPITZER P.A.
 5 Two Penn Center, Suite 910
 6 Philadelphia, PA 19102
 7 Telephone: 215-569-0000
 8 Facsimile: 215-636-3999
 9 E-mail: jbart@wilentz.com

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10 Attorneys for Estate of Tabas

11 JANET L. CHUBB, ESQ.
 12 Nevada State Bar No. 176
 13 LOUIS M. BUBALA III, ESQ.
 14 Nevada State Bar No. 8974
 15 JONES VARGAS
 16 100 W. Liberty St, 12th Floor
 17 P.O. Box 281
 18 Reno, NV 89504-0281
 19 Telephone: 775-786-5000
 20 Fax: 775-786-1177
 21 Email: jlc@jonesvargas.com
 22 and tbw@jonesvargas.com
 23 and lbubala@jonesvargas.com

24 Attorneys for Fertitta Enterprises, Inc.,
 25 and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

26 In re:

27 USA COMMERCIAL MORTGAGE COMPANY,
 28 Debtor.

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

26 USA CAPITAL REALTY ADVISORS, LLC,
 27 Debtor.

Chapter 11

28 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 29 LLC,
 30 Debtor.

**EX PARTE APPLICATION FOR
 2004 EXAMINATION OF
 PERSON MOST
 KNOWLEDGEABLE OF DEBTOR
 USA COMMERCIAL
 MORTGAGE COMPANY
 (Affects USA CM ONLY)**

26 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 27 Debtor.

28 USA SECURITIES, LLC,
 29 Debtor.

30 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

1 The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Applicants"), through their
 2 respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas respectfully
 3 request an Order directing the person most knowledgeable of Debtor, USA Commercial Mortgage
 4 Company to appear for oral examination, on ten (10) days notice, pursuant to Bankruptcy Rule
 5 2004, and in support thereof represents and alleges:

6 1. The examination of the person most knowledgeable of Debtor USA Commercial
 7 Mortgage Company is necessary to determine

8 a. the nature of the relationship between Debtor and Colt Gateway LLC, USA
 9 Capital Diversified Trust Fund, Fertitta Enterprises, Inc., and Daniel Tabas;
 10 b. Debtor's relationship with and knowledge of the financial status of Colt
 11 Gateway LLC, and,
 12 c. any other matter relevant to the direct loan to Colt Gateway LLC.

13 2. The Court may, for cause shown and on terms as it may impose, order the Debtor
 14 be examined under this Rule at any time or place it designates, whether within or without the
 15 district wherein the case is pending. Bankruptcy Rule 2004(d).

16 WHEREFORE, the Applicants, respectfully request that the Court issue an order directing
 17 person most knowledgeable of Debtor USA Commercial Mortgage Company to appear for oral
 18 examination, on ten days notice, at the offices of Jones Vargas, 3773 Howard Hughes Parkway, 3rd
 19 Floor South, Las Vegas, NV 89169, pursuant to Bankruptcy Rule 2004.

20 DATED: January 25, 2007.

21 WILENTZ GOLDMAN & SPITZER P.A.

21 JONES VARGAS

22 //s//Jonathan J. Bart
 22 JONATHAN J. BART, ESQ.

22 //s//Louis M. Bubala III
 22 JANET L. CHUBB, ESQ.
 23 LOUIS M. BUBALA III, ESQ.

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177